

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL YANNES, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

SCWORX CORPORATION and MARC S.
SCHELSEL,

Defendants.

CIVIL ACTION NO.: 20-CV-3349-JGK

CLASS ACTION

**LEAD PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Court-appointed Lead Plaintiff, Vy Nguyen, has entered into a Stipulation and Agreement of Settlement dated February 11, 2022 (“Stipulation”) with Defendants, and respectfully moves the Court for an Order: (i) preliminarily approving the Settlement on the terms set forth in the Stipulation (Fox Decl. Ex. 1); (ii) certifying the proposed Settlement Class for purposes of the Settlement pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3); (iii) approving the form and content of the Notice, Claim Form, and Summary Notice attached to the Proposed Preliminary Approval Order (Fox Decl. Ex. 1-A) as Exhibits A-(i), A-(ii), and A-(iii); (iv) approving the proposed procedures for dissemination of the Notice, Claim Form, and Summary Notice; and (v) set a date and time for the Settlement Fairness Hearing, at which the Court will consider final approval of the Settlement, the Plan of Allocation, and Lead Counsel’s application for attorneys’ fees and expenses, including reimbursement of costs and expenses to Lead Plaintiff pursuant to the PSLRA.

In support of this Motion, Lead Plaintiff submits herewith: (1) Lead Plaintiff’s Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement;

(2) the Declaration of Frederic S. Fox in Support of Lead Plaintiff's Motion for Preliminary Approval of Class Action Settlement (with Exhibits); and (3) a [Proposed] Order Preliminarily Approving Settlement and Providing For Notice, which is being submitted as Exhibit A to Exhibit 1 of the Fox Declaration.

Dated: February 11, 2022

Respectfully submitted,

By: /s/ Frederic S. Fox

Frederic S. Fox
Laurence D. King
Donald R. Hall
Melinda Campbell
Pamela Mayer
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue, 14th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

*Lead Counsel for Lead Plaintiff and the
proposed Settlement Class*

CERTIFICATE OF SERVICE

I certify that on February 11, 2022, I electronically filed the above Lead Plaintiff's Motion For Preliminary Approval of Class Action Settlement, the Supporting Memorandum of Law, and the Supporting Declaration of Frederic S. Fox (with all Exhibits thereto), using the Court's CM/ECF system, which will be sent electronically to the registered participants as identified on the attached Electronic Mail Notice List.

/s/ Frederic S. Fox